



December 8, 2014

Commission's Secretary  
Office of the Secretary  
Federal Communications Commission  
FCC Headquarters  
445 12<sup>th</sup> Street, SW, Room TW-A325  
Washington, DC 20554

VIA ELECTRONIC SUBMISSION

Re: CG Docket No. 02-278

Dear Sirs:

Thank you for providing us the opportunity to comment on the issues raised by the American Bankers Association's ("ABA") *Petition*. Overall, we support the *Petition* to exempt certain time-sensitive informational calls from the Telephone Consumer Protection Act's ("TCPA") restrictions on automated calls to mobile devices. The requested exemption serves consumers' interests in that it is designed to remove obstacles to sharing time-critical information promptly and effectively with consumers. The requested exemption would still promote the objectives of the TCPA as only non-marketing information is intended to be covered by the exemption. Moreover, the information for which an exemption is sought (be it information on fraud, identity theft or possible breaches of security) is by its nature intended to serve consumer interests.

The Commission has asked for comments on several specific issues implicated by the *Petition*:

1. As requested, is the exemption designed to allow the financial services industry to reduce privacy and security risks?

Yes. Mobile devices are found in an increasing number of households. These devices improve consumer mobility and are being used for both personal and business interactions. They support near instantaneous forms of communication across a growing number of platforms (SMS, FaceBook, Twitter, WhatsApp, etc.). This usage reflects a growing expectation that information and service be delivered to consumers in near real time. FirstBank uses a variety of technologies to communicate with its customers to share important, time-sensitive information, including placing phone calls, providing email alerts and sending text messages to customers enrolled in such services. These methods are used to alert customers to possible fraud, unauthorized transactions or balance positions on their accounts. Of these methods, manually placing phone calls is least effective in achieving quick and efficient contact with our customers. On average, we are successful in reaching customers on a first attempt only 33% of the time

when placing manual phone calls. Automated text and voice message calls are more effective when communications are time sensitive. Text messaging, for example, is unobtrusive, discreet and allows the recipient to define how and when they will respond.

2. Should the Commission consider additional or modified conditions to protect consumers from unwanted communications and from fraud, identity theft and data security breaches?

The exemption requested by the ABA is a step in the right direction. From our interactions with our customers, they are telling us that they want the information we provide to them in real time. We offer these services on an enrollment basis but enrollment itself is a barrier to their adoption. Customers find it strange that they are required to complete an enrollment process to be provided with these services that are designed to protect their assets and their identities. This experience is quite different from their experience in the broader marketplace, where it is common that mere usage of a service or "app" results in activation of these types of services. For example, it is routine for users of these services to be notified of activity (purchases, changes in contact information, etc.) via messages on their mobile devices. We think this is the better approach to protecting consumers and alerting them to possible red flags associated with their identities or their accounts.

The requested exemption to the TCPA reflects rather than drives consumer behavior. These types of messages are critical to efforts to prevent fraud and identity theft. As proposed, the American Bankers Association's *Petition* is a middle ground that suits both purposes.

Thank you for your consideration of my comments. If you have any questions or need clarification on our response, please contact me at (303) 235-1240.

Sincerely,

Brandon Kelly  
Fraud Officer  
FirstBank

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